

REMARKS

In the outstanding Final Office Action, the Examiner has rejected the claims based on a number of different prior art grounds. More specifically, claims 1-3, 5, 10 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Heynen (U.S. 1,662,039); claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heynen in view of Lobner (U.S. Patent No. 1,677,146) and also over Louder (U.S. 6,908,864); claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Louder; claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (U.S. Patent No. 2,057,838) in view of Heynen; claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heynen, Louder or Levy in view of Sanchez or Hallam.

Applicant has amended the claims and request entry of the amendments and allowance of the amended claims for the following reasons.

Amended claim 1 recites a packaged necktie that includes a box including a bottom portion and a necktie arranged within the box such that it includes a rolled end portion. The rolled end portion is a circuitously rolled portion at one end of the necktie. Support for this amendment is found in the specification (e.g., paragraph [0017]) and Figs. 3a and 3b. The package also includes a continuous elastic member affixed to the bottom portion of the box and configured to retain the rolled necktie so as to normally prevent separation of the necktie from the box. The elastic member is mounted to the box at first and second spaced locations within the box and is disposed so as to retain the necktie by overlying a first portion of the rolled necktie while being concealed by a second portion of the rolled necktie such that the elastic member is concealed from view within the box. The first and second portions are different from the rolled end portion.

The Heynen reference discloses a container for a necktie that has an elastic band. The reference merely discloses that in order to attach the outer ends of the neckties to the cover, elastic band 13 is used.

amendments, Applicant submits that the case is in condition for allowance and respectfully requests that the pending claims be allowed and the case passed to issue.

Based on the foregoing, Applicant respectfully submits that amended claim 1 should be allowed. Reconsideration and allowance of amended claim 1 are earnestly solicited.

Claims 2, 5, 6, 8, 9, 15 and 16 should be allowed as depending from what should be an allowed independent claim 1, as amended.

Applicant has added new claim 17 and respectfully contends that claim 17 should be allowed for the same reasons why claim 1 should be allowed. More specifically, the rolled end portion of the neck tie and the first and second segments of the elastic member distinguish the present invention over the cited references.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: October 31, 2007

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant